

## ***REMARKS***

### ***I. Amendment to the Claims***

Nineteen (19) claims are pending in the application, as amended in the previous response filed October 25, 2005. Of the pending claims, three (3) claims (Claims 1, 8 and 14) are independent. Claims 4, 5, 6 and 7 have been amended, inserting “speaker” in the first line, for consistency of terminology with independent Claim 1. The further amendments to the claims requested above are for purposes of clarity of the structure claimed, so that the Applicants’ previous arguments and those below may be somewhat easier to understand.

### ***II. Response to Examiner’s Rejections***

Examiner has rejected claims 1 – 3, 6 -9 12 – 14 and 17 – 19 under Section 103(a) on Page 2 of the Action over Gordon in view of Junk. On page 3 of the Action, Examiner states that “Gordon does not explicitly disclose speaker support base replacing at least part of a ceiling panel” and “Junk discloses a ceiling ring having a speaker can be mounted in a cutout hole of a ceiling panel, grill (28).....supports the speaker....” Applicants respectfully traverse the rejection. First, Applicants incorporate herein by reference the entirety of the arguments submitted in the previous response, filed October 25, 2005, particularly those comments regarding the Gordon reference. Further, it is apparent that Claims 1, 8, and 14, the independent claims as amended above, are not made obvious or even suggested by the art cited, because by specifying T-shaped form of the integral guide flange and support flange it is more clear that the cited portions of the ceiling tiles of Gordon cannot form such a structure. No new matter is introduced by this

amendment as this feature is clearly described on Page 5 of the present specification, lines 16 – 18.

The clearly non-obvious structure claimed presently is further explained herein below in response to Examiner's statement Page 7, paragraph 3, last sentence of the Action ("Response to Arguments"). In view of this clarification of the claimed structure Applicants submit that all independent claims 1, 8 and 14 and all claims which depend directly or indirectly from any of the independent claims are now in condition for allowance as being neither taught nor suggested by any combination of the known art. Nonetheless, for completeness the Examiner's other points are addressed below.

Regarding Examiner's addition of Junk to Gordon, (1) this combination will not overcome the deficiencies of Gordon, and (2) there is no motivation to combine the two references. Gordon discloses a speaker mounted directly on top of a ceiling tile with holes formed through the tile itself for passage of sound therethrough. It does not show a speaker mounting system which does not include the ceiling tile *per se*. Junk shows a round speaker which is inserted and mounted into a circular hole cut directly into a ceiling, which may be plaster, wallboard, or other material. After installation of the Junk speaker the ceiling is finished; i.e. sanded, painted, or whatever is necessary. With the present system there is no such need for cutting a circular hole and finishing the ceiling wall as required in Junk. Rather, the system claimed herein is installed in a finished "suspended ceiling of the type having a suspended ceiling grid including a plurality of ceiling grid openings and a plurality of ceiling panels sized to fit within the ceiling grid openings, ...." Junk cannot work in the present system because it will not fit within a ceiling grid opening, only in a specifically sized and shaped cutout hole. Thus, the

primary and secondary references illustrate completely different types of systems and neither addresses the present structure, for example as specified in Claim 1, below:

A speaker support system adapted for use with a suspended ceiling of the type having a suspended ceiling grid including a plurality of ceiling grid openings and a plurality of ceiling panels sized to fit within the ceiling grid openings, the speaker support system comprising;

a speaker support base replacing at least part of a ceiling panel and being capable of supporting at least one speaker within a grid opening without interfering with the operation of the speaker;

a guide flange integral to the speaker support base, the guide flange being adapted to align at least a portion of a ceiling tile within the ceiling grid opening; and

a support flange integral to the support base and with the guide flange forming an upside down T-shape, the support flange being adapted to support at least a portion of the ceiling tile within the ceiling grid opening so that at least a portion of the ceiling grid opening is filled by the speaker support base and the remaining portion of the ceiling grid opening is filled with the portion of the ceiling tile.

*(Emphasis added).*

Neither of the references discloses or even suggests a speaker support base with an integral guide flange and a support flange integral to the support base and with the guide flange forming an upside down T-shape such that the speaker support base fills at least a part of the open ceiling grid, as claimed in all claims of the application. Accordingly, the claims are all in condition for allowance over Gordon in view of Junk as the combination of the references does not teach, render obvious, nor even suggest the above discussed combination of claimed structural elements.

Moreover, the combination of Gordon and Junk will simply not work, as Gordon requires mounting a speaker directly on the upper surface of a ceiling tile,

over through holes for passage of sound. Cutting out the speaker opening in the tile per se, as required in Junk would defeat the Gordon structure altogether. Thus, there is no motivation for one skilled in the art to even consider combining Junk with the teachings of Gordon in an attempt to achieve the specific combination of structural features as presently claimed. For all the reasons above, the independent claims, 1, 8 and 14 are submitted to be in condition for allowance over the cited art.

On pages 6 and 7 of the action Examiner rejects Claims 4, 5, 10, 11 15 and 16 over “Gordon in view Junk” However, there is no discussion in this section of how Junk applies in combination with Gordon to cause these claims to be held to be unpatentably obvious. Thus, Applicants are unable to fully respond to this rejection. Nonetheless, Examiner does correctly state, regarding Claim 4, that “Gordon does not explicitly disclose wherein the speaker support base fills about a first half of the ceiling grid opening and the ceiling tile fills about the second half of the ceiling grid opening;” and, regarding Claim 5, that “Gordon does not explicitly disclose wherein the speaker support base fills about three quarters of the ceiling grid opening and the ceiling tile fills about one quarter of the ceiling grid opening.” However, Examiner goes on to state that such features not taught by Gordon are within the skill of one skilled in the art. Applicants respectfully disagree. The combination of Gordon with one of ordinary skill in the art does also not result in making obvious the specific combination of structural features of the dependent claims, Claims 4, 5, 1, 11, 15 and 16, as further discussed below.

First, the arguments regarding Gordon mentioned above apply here as well. Further, even if the teachings of Junk were combined with Gordon, they would not result

in an obvious combination of structural features as presently claimed. In addition to not even suggesting the elements of the respective base claims, Junk does not suggest providing a speaker support base that fills a given amount of the rectangular ceiling grid opening with the remaining fraction of the space being filled by a ceiling tile. On the contrary, the Junk speaker is designed to be fitted into a cutout circular hole in a ceiling, which ceiling is finished after installation of the speaker. The present device is not to be fit into a cutout hole in an unfinished ceiling. Rather, it replaces a suspended ceiling tile, which is simply and quickly just lifted out of the grid prior to the insertion of the new system. No carpentry is required with the new system.

Finally, as explained above, the independent claims, 1, 8 and 14 should all now be in condition for allowance over the cited art. Thus claims 4 and 5, which depend from Claim 1, claims 10 and 11, which depend from Claim 8 and Claims 15 and 16, which depend from Claim 14, are all deemed to be in condition for allowance over the art as depending from their respective allowable base claims.

Regarding Examiner's statement on page 7, paragraph 3 of the action, the Examiner states, "It should be noted that as presented above, a guide flange corresponds to vertical edge of (62), which projects with respect to small rectangular 60." While there is no indication of which patent the element numbers used in the quote refer to, after some study it is Applicants' conclusion that Examiner must be referring to the primary reference, Gordon. If such is the case, then Applicants continue to traverse this position, for reasons stated previously and made clear above. The vertical edge 62 of Gordon's ceiling tile does not project in the manner of the present guide flange 32 with respect to the internal square 60; it is merely the perpendicular end of the smaller of the two parallel

Gordon ceiling tiles. Thus, tile edge 62 of Gordon does NOT correspond to the guide flange 30 of the present system which is not part of, but replaces a portion of ceiling tile. The structures 30, 32 at issue in the present invention lie in respective planes which are perpendicular to one another, and form a T-shape in section, or end view, as clearly shown. Thus, if this is the basis upon which Gordon is cited, as previously stated, it is clearly mis-cited against the present application. Reconsideration is respectfully requested.

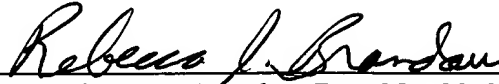
### ***III. Conclusion***

For the reasons discussed above, Applicants respectfully submit that Claim Nos. 1 – 19 are all allowable over the prior art of record. All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance, or at least is in better form for appeal if such becomes necessary. These remarks were not submitted earlier because the grounds for rejection were not final, in that the Junk reference had not been previously cited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided. No new matter has been introduced in this response and no new issue has been raised, thus no new search is required.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rebecca J. Brandau", is positioned above a horizontal line.

By: Rebecca J. Brandau, Reg. No. 33,654

Attorney for Applicants

Husch & Eppenger, LLC

190 Carondelet Plaza

St. Louis, MO 63105

314-480-1500

314-480-1505 FAX